



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Consultants on Family Addiction--Reconsideration

File: B-274924.3

Date: June 12, 1997

Sandy Rosenberg for the protester.

Bruce Denning, Esq., and Michael J. Shea, Esq., Sutherland, Asbill & Brennan, for Atlanta Psychological Associates, an intervenor.

Roberta M. Echard, Esq., Administrative Office of the United States Courts, for the agency.

Katherine I. Riback, Esq., Paul Jordan, Esq., and Paul Lieberman, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration based on information that protester could have submitted, but did not, in initial protest is denied; General Accounting Office's Bid Protest Regulations do not contemplate piecemeal development of protest issues.

DECISION

Consultants on Family Addiction (COFA) requests reconsideration of our decision, Consultants on Family Addiction, B-274924.2, Feb. 21, 1997, 97-1 CPD ¶ 80. In that decision, we denied COFA's protest against the award of a contract to Atlanta Psychological Associates (APA) under request for proposals (RFP) No. 113E-97-01, issued by the Administrative Office of the United States Courts (AOUSC) for treatment services for federal defendants and offenders. COFA alleged that the agency improperly scored APA's proposal, particularly with regard to an APA counselor, who was a former COFA employee. The protester challenged the agency's evaluation of its former counselor's qualifications on the grounds that the evaluation failed to reflect the poor performance of that counselor.¹ We denied COFA's protest and noted in our decision that prior to award, the agency investigated the allegation that COFA's former employee performed poorly and found it to be without basis. Our decision also took notice of the fact that COFA had submitted nothing apart from the allegation itself to substantiate this argument. We concluded that the record provided no basis to question the agency's conclusion regarding the counselor's alleged poor performance.

¹COFA specifically alleged that this individual while in its employ, refused to lead group counseling sessions for 6 weeks in July and August 1996, and refused, after returning from a vacation, to adjust her lunch hour to see a counseling client. The counselor responded to these allegations in an affidavit.

We deny the request for reconsideration.

Our Regulations require that a protester seeking reconsideration submit a detailed statement of the factual and legal grounds upon which reversal or modification of a prior decision is deemed warranted, specifying any errors of law or fact or information not previously considered. 4 C.F.R. § 21.14(a) (1997). Information not previously considered means information that was not available to the protester when the initial protest was filed. PDC Machs., Inc.--Recon., B-244724.2, Aug. 7, 1991, 91-2 CPD ¶ 141 at 2. Failure to make all arguments or submit all information available during the course of the initial protest undermines the goals of our bid protest forum--to produce fair and equitable decisions based on consideration of both parties' arguments on a fully developed record--and cannot justify reconsideration of our prior decision. The Dep't of the Army--Request for Recon., B-237742.2, June 11, 1990, 90-1 CPD ¶ 546 at 4.

In its reconsideration request, COFA essentially restates its contention that in evaluating APA's proposal the agency failed to take into account the poor performance of its former employee who is now employed by APA. To support its argument, COFA now presents evidence, in the form of two affidavits, that provides further details pertaining to its allegation that its former employee performed poorly. Since COFA does not explain why it could not have obtained and submitted this evidence in conjunction with its initial protest, it is not entitled to submit it now. Id. at 5.

COFA's additional assertion that the agency improperly downgraded its proposal under the "capacity to perform" and "quality of staff" factors also does not provide a basis for reconsidering our decision. COFA reiterates its argument that the agency "ignored" a certain individual who had extensive experience in providing treatment services in Fulton County. The record makes it clear that the agency did not ignore the qualifications of COFA's personnel. Rather, COFA's proposal was primarily downgraded due to the number of personnel turnovers that COFA had experienced in the months leading up to the award.² COFA's repetition of arguments made during our consideration of its original protest and disagreement with our decision

²In any event, as pointed out in our initial decision, even if COFA's proposal had received a perfect technical score (75 points), COFA would not have been in line for the award. Due to COFA's high proposal price, it received one of the lowest price scores (16.2 points). Its combined score of 91.2 points would still be lower than APA's combined score of 91.5 points, and the agency explains that APA's proposal would remain the most advantageous to the government.

does not provide a basis for reconsideration. R.E. Scherrer, Inc.--Request for Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274 at 2.

The request for reconsideration is denied.

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